

OFFICE OF THE TOWN CLERK

Fiscal Year 2011

The Town Clerk's office prepared for and conducted three elections in FY 11: the State Primary on September 14, 2010, the State Election on November 2, 2010, and the Annual Town Election held on March 29, 2011.

Special Town Meeting began on November 8, 2010 and lasted two sessions. Fourteen articles were considered including Article 13 which established a new bylaw regulating the outside confinement and tethering of dogs.

Annual Town Meeting began on May 2, 2011 and went for eight sessions. Thirty-five articles were considered including Article 24 giving the Town Manager the authority to enter into a multi-year contract for the purpose of considering installation and operation of a solar array on the Old Landfill on Belchertown Road, and Article 34 which amended the Animal Welfare Bylaw to include regulations for the raising and keeping of livestock and poultry on residential properties.

FY 11 was a very busy year for the Town Clerk staff which had to deal with several significant regulation changes, each presenting its own challenge.

New federal regulations were implemented for the November 2, 2010 State Election. These new regulations required the delivery of absentee ballots 45 days prior to the election. State laws prevent Massachusetts from issuing absentee ballots 45 days before the election because Chapter 53, Section 28 requires that the state primary be held on the 7th Tuesday (or 49 days) prior to the election. Chapter 53, Section 52 provides four (4) days to make the primary returns to the Secretary of State. Additionally, Chapter 54, Section 135 provides that a state primary candidate may request a recount within six (6) days following the primary. Furthermore a candidate who won at the state primary may withdraw his or her name or any voter can object to a candidate nominated at the state primary within six (6) days following the primary. Also, Chapter 53, section 3 requires that any candidate who was elected by write-in has thirteen (13) days to file their written acceptance before their name can be placed on the ballot. The state was therefore required to apply for a waiver from the new regulations. Part of the state's waiver application included a comprehensive plan which provided military voters and overseas citizens with more time to receive, vote and return their ballot than if absentee ballots were sent by regular mail 45 days before the election.

Ballots were delivered to all 351 Massachusetts communities earlier than in the past, but in between the time the ballots were prepared for printing and the time they were delivered the state provided each municipality with electronic files of each ballot style. The electronic ballot was printed up and either mailed or faxed depending on the voter's request, and in many cases if requested the electronic ballot was e-mailed to the voter. Electronic transfer of ballots either to or from the voter is a completely new development for Massachusetts clerks and new procedures had to be learned and followed. These regulations were only applicable to the November 2, 2010 State Election. Ballots cannot be e-mailed or faxed to voters for town elections or primaries at this time. The Town Clerk staff rose to the challenge and Susan Audette, Assistant Town Clerk, in particular did a remarkable job of making sure that ballots were delivered on a timely basis.

On January 1, 2011 the new Vitals Information Partnership program was launched. This web based program replaced a paper process whereby birth records were created manually at the hospital, forwarded to the occurrence community clerk for approval, after which the original was sent to the State and a copy was forwarded to the residence community for filing. This paper process was replaced with a system which allowed a birth certificate, once created at the hospital to be almost immediately accessible to the occurrence community clerk, the Registry of Vital Records in Boston, and very shortly thereafter the residence community. Home Births and Out of Commonwealth Births once entered into the system can be immediately viewed by the Registry. Town Clerk staff attended various training and seminars to learn how to utilize the new system.

On May 1, 2011 new U.S. Department of State regulations went into effect calling for the total separation of Passport Acceptance personnel and space from the issuance of birth records. The Passport Acceptance Program has provided significant revenue for the Town since its implementation so new procedures were devised to comply with the new regulations.

Patricia Olanyk became the sole Passport Acceptance agent and an area at the Central Counter was provided for the processing of applications. Simultaneously Ms. Olanyk ceased to be involved in the process of issuing certified copies of vital records.

This has resulted in a slightly diminished service to the public; if the Passport Acceptance Agent is not available then the customer must choose to either go to another Passport Acceptance Facility or come back at a later time when the agent is in the office.

The Open Meeting Law component of the 2009 Ethics Reform Bill went into effect on July 1, 2010. The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based and the 2009 revisions sought to enhance this purpose. The New Open Meeting Law requires that meeting postings are accessible to the public 24/7 and include a list of the topics to be discussed. Saturdays can no longer be counted toward the 48 hours posting requirement, and e-mails are expressly included in the definition of “deliberation”. Minutes must contain a summary of everything discussed with all supporting documents and other exhibits kept as part of the official record. A new citizen complaint procedure was also created by the revised laws. The new Open Meeting Law also requires that all persons serving on a public body “shall certify” that they have received, read, and understood the open meeting law, including the consequences for non-compliance, within two weeks of being qualified, i.e. being sworn to the faithful performance of their duties. The new open meeting law requirements for 24/7 posting and compliance with the certification process, requires considerable monitoring by the Town Clerk staff.

On March 31, 2011, the Districting Advisory Board, with the Town Clerk serving as an ex-officio member and staff support, began consideration of new precinct lines following the 2000 Federal Census. Mary Jane Laus – Precinct 1; Carolyn Holstein – Precinct 2; Nonny Burack – Precinct 3; Charles Moran – Precinct 4; Tom Ehrgood – Precinct 5; Bonnie Bascomb-MacCracken – Precinct 6; Adrienne Terrizzi – Precinct 7; John Kick – Precinct 8; and Jonathan O’Keeffe – Precinct 9 were appointed to the Districting Advisory Board. Sandra J. Burgess – Town Clerk, and Mike Olkin – GIS Expert offered staff support. Carolyn Holstein was elected chair and Charles Moran was elected clerk for the committee.

Over the course of six weeks several reprecincting scenarios were created with the invaluable assistance of the Redistricting Toolkit, a web based program created by Mike Olkin. The board selected and refined the scenario which they felt most closely met the statutory requirements and the goals of the Districting Advisory Board which were to maintain current precinct lines and to distribute the student population among the ten precincts to the best extent possible.

The Districting Advisory Board’s recommendation was voted by the Select Board on June 13 and submitted to the Secretary of State’s office for approval by the Local Election Districts Review Commission. The LEDRC considered the Amherst reprecincting plan on July 14 and it received unanimous approval. A full Districting Advisory Board report written by Ms. Holstein is available on the Town of Amherst website and in the Select Board office.

In October 2010 the Town Clerk’s office acquired the office space vacated by the Finance Director and Assistant Treasurer. This move provided the Town Clerk staff with the space needed to prepare for elections without having to take up the much needed First Floor Meeting Room for a week and a half. Filing cabinets no longer needed by the Assessor were moved and used to store supplies which had hitherto been kept under desks creating a much more efficient and professional looking work area.

2010 Vitals

(The Town Clerk is required to report to the Registry of Vital Records and Statistics on a calendar-year basis)

Births	151
Deaths	168
Marriages	119